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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,947	04/27/2001	Bradford G. Ackerman	SP01-095	1336

22928 7590 09/15/2003

CORNING INCORPORATED  
SP-TI-3-1  
CORNING, NY 14831

EXAMINER

CHIN, PETER

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-15, drawn to a method of making glass, classified in class 65, subclass 413.
  - II. Claims 16-19, drawn to a mask blank, classified in class 430, subclass 5.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be used to make a materially different product such as glass fiber.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Timothy Schaeberle on Sept. 10, 2003 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-15. Affirmation of this election must be made by applicant in replying to this Office action. Claim 16-19 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### **DETAILED ACTION**

6. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell et al (5,152,819) in view of Flamenbaum et al (3,806,570).

Blackwell et al shows a process for making fused silica glass. Silica precursor is mixed with a metal oxide dopant precursor, Ti oxide precursor, column 4. The precursors are reacted in a soot burner and the soot is deposited on a rotating (Figure 2) mandrel and subsequently in an atmosphere of helium and chlorine drying gas and consolidated (Figure 3). Blackwell is silent as to the translation motion of the mandrel, however such motion of the mandrel would have been obvious as it is standard procedure in the art as evidenced by Flamenbaum et al.

7. It is noted that the IDS filed on 1/13/2003 is a duplicate of the one filed on 8/20/2001 and accordingly, the PTO-1449 of the IDS filed 8/20/2003 has been lined through.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

A handwritten signature in black ink, appearing to read 'Peter Chin', with a long horizontal stroke extending to the right.

Peter Chin  
Primary Examiner  
Art Unit 1731

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